UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

GREAT AMERICAN INSURANCE COMPANY OF NEW YORK,	
Plaintiff,	Case No. 08 C 3921
v.	Judge Amy J. St. Eve
ADVANCE OCEAN INC., NIPPON YUSEN KAISHA, NYK (NORTH AMERICA) INC., BURLINGTON NORTHERN SANTA FE CORPORATION, BNSF RAILWAY COMPANY, THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY,	Magistrate Judge Keys
Defendants.	

MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO RULE 12(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE

NOW COMES the defendant, ADVANCE OCEAN INC., by its attorneys, Michael A Snyder and Timothy S McGovern, and moves for this Court to dismiss the cause of action alleged by plaintiff against it pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, with prejudice. In support of this motion, defendant submits the following documents, copies of which are attached hereto and made a part hereof:

- (1) Memorandum in support of motion to dismiss; and
- (2) Declaration of Esther Helen Lee.

WHEREFORE, defendant, ADVANCE OCEAN, INC., respectfully moves this Court for an Order dismissing this cause of action, with prejudice and without delay, and with costs to be paid by plaintiff.

Respectfully submitted,

ADVANCE OCEAN INC., defendant,

s/ Timothy S. McGovern
Its attorney

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CERTIFICATE OF SERVICE

I, Timothy S. McGovern, attorney, certify that I served a true copy of the foregoing MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO RULE 12(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE on this 8th day of August, 2008, on all parties that have appeared, via this Court's ECF system.

s/ Timothy S. McGovern